

**IN THE UNITED STATES DISTRICT  
COURT FOR THE EASTERN DISTRICT  
OF VIRGINIA NORFOLK DIVISION**

**Latasha Holloway, *et al.*,**

**Plaintiffs,**

**v.**

**City of Virginia Beach, *et al.*,**

**Defendants**

**Civil Action No. 2:18-cv-0069**

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**DEFENDANTS' MOTION TO EXCLUDE PLAINTIFFS' SUPPLEMENTAL  
EXPER REPORTS AND OPINIONS**

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**PLAINTIFFS' EXHIBIT 3**

June 24, 2020 Deposition Excerpts of  
Antony E. Fairfax

1 provided in your supplemental report compared to the  
2 rebuttal report?

3 A. Did I make any modifications or changes  
4 to the plans?

5 Q. The plans. Other than to include  
6 Georgia Allen's address. Now, ob -- obviously, the  
7 ACS data just tells you how they perform arguably,  
8 so they don't -- the ACS data you used doesn't  
9 change the plans, correct?

10 A. Correct. Importing them. Exactly.

11 Q. Okay. So when you -- when you modified  
12 the plans -- I believe you testified you modified  
13 three plans -- other than incorporating Georgia  
14 Allen's address into a -- a majority HBA CVAP  
15 district what else did you do to change those plans?

16 A. Each plan had you could say three  
17 changes really. The first plan, which was the  
18 Illustrative Plan, actually had two additions and  
19 one removal. The second plan had another two  
20 additions and one removal. And the third had three,  
21 in essence, block groups that were added.

22 Q. And so in each case when you say an  
23 addition or a removal you're referring to a block  
24 group?

25 A. No. Referring to just area. It may not

1 be a block group.

2 Q. Areas?

3 A. The -- the third one, remember, was a --  
4 a -- a plan that was wholly using block groups to  
5 create the district.

6 Q. The --

7 A. The --

8 Q. -- only alt was at a block-group level,  
9 correct?

10 A. Alt 2. Correct.

11 Q. Modified Illustrative Plan and Modified  
12 Alt 1 were not at block-group levels, correct?

13 A. That's correct.

14 Q. What levels were they at?

15 A. They were mainly at the VTD le -- level,  
16 but there were some split voting tabulation  
17 districts.

18 THE REPORTER: I'm sorry.

19 BY MR. BOYNTON:

20 Q. Okay. Well --

21 THE REPORTER: I'm sorry. I couldn't  
22 understand you.

23 A. There were mainly at -- they were mainly  
24 at the VTD level, and VTD standing for voting  
25 tabulation district, but there were some split VTDs.

1 BY MR. BOYNTON:

2 Q. And -- and VTDs, for the record, are  
3 voting tabulation districts, correct?

4 A. Correct.

5 Q. So you -- you will agree with me then  
6 that none of the six plans contained in your  
7 rebuttal report contains Georgia Allen's residence  
8 address in a majority HBA CVAP district, correct?

9 A. That is correct.

10 Q. And do you agree with me that the  
11 Illustrative Plan or map that pro -- was provided in  
12 your original report did not contain Georgia Allen's  
13 residence address in a majority HBA CVAP district,  
14 correct?

15 A. Correct.

16 Q. Okay. Why did you not include Ms.  
17 Allen's residence address in the two prior reports  
18 in the districts that you drew?

19 A. Well, I tried to recall where the issue  
20 or the problem began, and -- and what I -- I think  
21 happened was when I first started writing the report  
22 I imported the new ACS data at that particular time,  
23 and -- and after I imported it or processed it I  
24 made some slight modifications to the plan. And I  
25 believe that's when I left Ms. Allen's address out,

1 when I made those slight modifications to the plan.

2 Q. But -- and Ms. Allen's address is the  
3 same as it was going back to 2018, correct?

4 A. Correct.

5 Q. And you drew the map that was included  
6 in the amended complaint, correct?

7 A. Correct.

8 Q. That map included or purported to  
9 include Ms. Allen's address, correct?

10 A. Correct.

11 Q. So nothing on Ms. Allen's address  
12 changed for purposes of your analysis after the  
13 amended complaint was filed?

14 A. Correct.

15 Q. So would you agree that the three  
16 modified plans for District 2 in the supplemental  
17 report were modified for the sole purpose of  
18 correcting your error of not including Georgia  
19 Allen's residence address in the plans contained in  
20 your original report and your rebuttal report?

21 MS. HARLESS: Objection to form.

22 BY MR. BOYNTON:

23 Q. You can answer.

24 A. That was the purpose of the  
25 modifications.

1           Q.     Were there any other purposes of  
2     modifying those three plans in the supplemental  
3     report?

4           A.     No.    No.

5                     Of course, as I was developing them I  
6     was using traditional redistricting criteria, so  
7     they were al -- always objectives to creating the  
8     plan.

9           Q.     Did you have a purpose other than  
10    including Georgia Allen's address in generating the  
11    supplemental reports and plans?

12          A.     No.    No.    The -- the purpose really was  
13    to see if her address could be contained with  
14    minimal modifications, and that's what I concluded.

15          Q.     Now, even though your supplemental  
16    report shows only the two HBA CVAP majority  
17    districts, you did draw all ten districts as part of  
18    your process in preparing the supplemental report,  
19    correct?

20          A.     Correct.

21          Q.     Is there a reason you did not include  
22    the other districts fully in the -- in the -- in the  
23    supplemental report?

24          A.     No.    There -- there was a --

25                     MS. HARLESS:   Objection to form.

1 BY MR. BOYNTON:

2 Q. You can answer.

3 A. Most of the districts remained the same.  
4 There were some slight changes on the adjacent  
5 districts here and there, but nothing that would  
6 dramatically change the perception of the districts  
7 or the -- the configurations of the districts  
8 dramatically.

9 Q. So what was your reason for not  
10 including the other eight districts in the plan that  
11 you illustrated in your supplemental report?

12 MS. HARLESS: Objection to form.

13 BY MR. BOYNTON:

14 Q. You may answer.

15 A. Because most of the districts did not  
16 change.

17 Q. Now, you -- you -- you have on page 2 of  
18 your supplemental report, and -- and please feel  
19 free to turn to it --

20 A. So I should -- I can bring that report  
21 up?

22 MS. HARLESS: Can you give us an --

23 MR. BOYNTON: Yes.

24 MS. HARLESS: -- exhibit number?

25